

# EXHIBIT V

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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

NML CAPITAL LTD.,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA,

Defendant.

CASE NO.: 2:14-cv-01573-LDG-PAL

**AFFIDAVIT OF NIKKI L. BAKER IN  
 SUPPORT OF NML CAPITAL, LTD.'S  
 MEMORANDUM IN RESPONSE TO  
 NONPARTY VAL DE LOIRE LLC'S  
 MOTION TO QUASH SUBPOENA OR, IN  
 THE ALTERNATIVE, FOR PROTECTIVE  
 ORDER; AND IN SUPPORT OF NML'S  
 CROSS MOTION TO COMPEL**

STATE OF NEVADA           )  
   ) ss.:  
 COUNTY OF CLARK        )

I, NIKKI L. BAKER, being first duly sworn, depose and state as follows:

1. I am an attorney at the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel for Plaintiff NML Capital, Ltd. ("NML") in this matter currently pending before the United States District Court, District of Nevada. I submit this affidavit in support of NML's "Memorandum In Response To Nonparty Val de Loire LLC's Motion To Quash Subpoena Or, In The Alternative, For Protective Order; And In Support Of NML's Cross Motion To Compel" (the "Cross Motion"). I have personal knowledge of the facts set forth herein, and if called upon to do so, am competent to testify thereto.

2. On August 28, 2014, NML served a Subpoena on M.F. Corporate Services (Nevada) Limited, who is/was designated by law to accept service of process on behalf of Val de Loire LLC ("Val de Loire").

3. On or about September 9, 2014, NML's counsel was contacted by Jason M. Wiley, Esq., who stated that his firm may be representing Val de Loire concerning the Subpoena served by NML. Mr. Wiley requested, on behalf of Val de Loire, additional time to respond to the Subpoena.

4. On September 15, 2014, I, along with other counsel for NML, spoke with Mr. Wiley about a different subpoena NML was proposing to serve on another client of Mr. Wiley. At the end of the call, Mr. Wiley was asked whether his firm had been formally retained by Val de Loire and, if so, whether he could confer about the Subpoena served on Val de Loire. Mr. Wiley stated that his firm was still waiting for the engagement letter to be signed by Val de Loire and, thus, any discussion about the Subpoena to Val de Loire was premature. Counsel for NML requested that Mr. Wiley let NML know if and when Mr. Wiley's law firm was formally engaged, so that counsel could meet and confer on the Subpoena to Val de Loire.

5. Counsel for NML did not receive any further communications about the Subpoena to Val de Loire from Mr. Wiley until Val de Loire filed the pending motion to quash, or in the alternative, for a protective order (Doc. 1) ("Motion to Quash").

6. On September 29, 2014, I called Mr. Wiley to inquire about why he did not contact me or other counsel for NML about the Subpoena to Val de Loire prior to filing the Motion to Quash. During the telephone call, I also pointed out to Mr. Wiley that he did not attach to the Motion to Quash a declaration or affidavit attesting to any meet and confer. I asked Mr. Wiley whether he would be willing to set up a call to discuss the Subpoena to Val de Loire. He agreed.

7. On October 1, 2014, I participated in a telephonic meet and confer with Mr. Wiley, and other counsel for NML. During that call, Mr. Wiley, on behalf of Val de Loire, refused to withdraw the Motion to Quash pending further discussions, declined to engage in any substantive

1 discussion of the context of the Subpoena or the authority on which NML relies, and was  
2 unwilling to consider any compromise to avoid seeking this Court's intervention.

3 8. Pursuant to Local Rule 26-7, after personal consultations with Val de Loire's  
4 counsel and sincere efforts to do so, NML has been unable to resolve this matter without Court  
5 intervention.

6 FURTHER AFFIANT SAYETH NAUGHT.

7 DATED this 9<sup>th</sup> day of October, 2014.

8  
9 By: Nikki L. Baker  
10 NIKKI L. BAKER

11 Subscribed and sworn to before me  
12 on the 9<sup>th</sup> day of October, 2014.

13 Erin L. Parcels  
14 NOTARY PUBLIC

15 My commission expires: March 14, 2018

